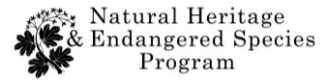




MASSACHUSETTS ENDANGERED SPECIES ACT REGULATIONS FACT SHEET



The Massachusetts Endangered Species Act (MESA; MGL c. 131 A) and its implementing regulations (321 CMR 10.00) establish procedures for the listing and protection of rare plants and animals. The MESA regulations also outline project review filing requirements for projects or activities that are located within a Priority Habitat of Rare Species ("Priority Habitat"), provide clear review timelines, and establish an appeal process for agency actions.

WHAT IS PRIORITY HABITAT?

Priority Habitat is the geographical extent of Habitat for all State-listed Species as delineated by the Division. Priority Habitats are mapped for both State-listed plant and animal species. Projects or Activities within Priority Habitats may result in a "take" of a State-listed Species (321 CMR 10.02), and are subject to review by the Natural Heritage & Endangered Species Program (NHESP). Current Priority Habitat maps are available through an interactive web viewer at www.mass.gov/nhesp or for download and viewing with appropriate software at www.mass.gov/mgis/prihab.htm. Maps are also available in the Massachusetts Natural Heritage Atlas which can be ordered by contacting the NHESP office.

FILING AN NOI? STREAMLINE YOUR MESA REVIEW!

For a streamlined review of projects located within both an *Estimated Habitat* and a *Priority Habitat*, DEP has a NOI form available on their website, located at: www.mass.gov/dep

MESA FILING PROCESS

Project proponents *must file* directly with the NHESP for *all projects or activities located within a Priority Habitat unless otherwise exempt* (for exemptions see 321 CMR 10.14). The "MESA Project Review Checklist" outlining the materials that must be submitted for a complete filing, and the associated fee schedule is available on our website. *The requirement to file under MESA is independent of the requirement to submit a copy of a Notice of Intent ("NOI") to the NHESP for a project located within an Estimated Habitat for Rare*

Wildlife under the MA Wetlands Protection Act Regulations.

MESA REVIEW PROCESS

Within 30 days of receiving a filing the NHESP will provide a response letter indicating whether or not the submission is complete. If the submission is complete, the NHESP will provide a final determination letter within 60 days of the date of posting of the first letter. The NHESP will determine whether or not a project will result in a "take" of a State-listed Species. The NHESP makes every effort to complete reviews quickly and often makes a final determination within the initial 30 day review period. If a project is determined to result in a "take" then it may be possible to redesign the project to avoid a "take". If such revisions are not possible, then projects resulting in a "take" may only be permitted if they qualify for a Conservation & Management Permit (321 CMR 10.23). NHESP regulatory review staff is available to consult with project proponents about designing projects to avoid a "take" or to qualify for a Conservation & Management Permit.

For more information see the Regulatory Review section of our website (www.mass.gov/nhesp) or contact:

Berkshire, Essex, Franklin, Hampshire, Hampden, Middlesex & Worcester Counties

Contact: Lauren Glorioso, Endangered Species Review Assistant
Phone: 508-389-6361, Email: lauren.glorioso@state.ma.us

Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth & Suffolk Counties

Contact: Emily Holt, Endangered Species Review Assistant
Phone: 508-389-6385, Email: emily.holt@state.ma.us

RECOMMENDATIONS FOR PROJECT PLANNING

- Submit an Information Request form. The NHESP will respond within 30 days with a list of State-listed Species associated with a project site. This may facilitate project planning to avoid and minimize rare species impacts.
- For larger projects, consider a pre-filing consultation with NHESP staff.